

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SIGNUM, LLC & NATURALAWN OF AMERICA, INC.,

Plaintiffs,

V.

NATURE'S LAWN CARE & NATHAN STEELE,

Defendants.

CIVIL NO. W-23-CV-00202-ADA

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 43. The report recommends Defendants' Motion to Dismiss Plaintiff's Complaint (ECF No. 31) be **DENIED** and Plaintiffs' Motion to Dismiss Defendants' Counterclaims (ECF No. 37) be **GRANTED**. The report and recommendation was filed on May 20, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Defendants filed objections on June 3, 2024. ECF No. 44. The Court has conducted a *de novo* review of the motion to dismiss, the responses, the report and recommendation, the objection

to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

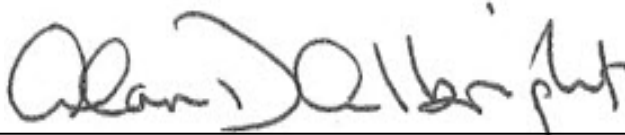
IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske., ECF No. 43, is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' objections are **OVERRULED**.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss Plaintiff's Complaint, ECF No. 31, is **DENIED** in accordance with the Report and Recommendation.

IT IS FINALLY ORDERED that and Plaintiffs' Motion to Dismiss Defendants' Counterclaims, ECF No. 37, is **GRANTED** in accordance with the Report and Recommendation.

SIGNED this 5th day of June, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE